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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/859,276 05/20/97 SUZUKI

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WM01/0116

EXAMINER

NGUYEN, L

ART UNIT

PAPER NUMBER

2612

DATE MAILED: 01/16/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
08/859,276

Applicant(s)
Suzuki et al.

Examiner
Luong Nguyen

Group Art Unit
2612



☒ Responsive to communication(s) filed on Sep 18, 2000

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-30 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-30 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☒ The proposed drawing correction, filed on Sep 18, 2000 is ☒ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 2712

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed on 9/18/2000 have been fully considered but they are not persuasive.

In re pages 2-3, Applicants argue that the combination of Hashimoto and Kawakami does not result in a control device that controls the sound effect output device so that the preset sound effect will not be output with the sounds recorded by the sound recording device when the release switch initiates the predetermined process.

In response, regarding claim 1, the Applicants claimed claim 1 with the claim limitation "a control device that controls the sound effect output device so that the preset sound effect will not be output with the sounds recorded by the sound recording device when the release switch initiates the predetermined process." The Examiner considers that claim 1 as claimed still does not distinguish over Hashimoto et al. patent in view of Kawakami et al. patent. Hashimoto et al. disclose CPU 23 controls the operation of the camera (column 7, lines 17-35). Hashimoto et al. does not disclose the sound effect device. However, Kawakami et al. teach that when the shutter release button 142 of the camera is activated, in order to clearly notify the recording operation to the operator, a tone generating device (sound effect output device) may be arranged so that a pseudo-shutter sound (sound effect) is produced when the recording operation on the magnetic disk 124 is initiated (col. 4, lines 29-49). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the camera in Hashimoto et

Art Unit: 2712

al. by the teaching of Kawakami et al. in order to clearly notify the recording operation to the operator (col. 4, lines 44-49).

In re page 3, Applicants argue that nowhere does Hashimoto teach, disclose, suggest, or even recognize the use of a sound effect output device.

In response, this feature is taught by Kawakami et al. as discussed above.

In re page 4, Applicants argue that Arai in no way discloses a control device that controls the sound effect output device so that the preset sound effect would not be output with the sounds recorded by the sound recording device.

In response, this feature is taught by combination of Hashimoto et al. and Kawakami et al. as discussed above.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-4, 10-17, 20-25, 28-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hashimoto et al. (US 5,815,201) in view of Kawakami et al. (US 4,660,102).

Art Unit: 2712

Regarding claim 1, Hashimoto et al. disclose an electronic camera which captures both images and audio which are associated with the images, comprising an image device disclosed as CCD 9 (fig. 8, col. 6, lines 43-50); a sound recording device, disclosed as microphone 1 (fig. 8, col., lines 20-23); a storage medium, disclosed as memory card 16 (fig. 8, col. 7, lines 35-53); a release switch, disclosed as shutter release button 124 (fig. 1A, col. 4, line 12); a control device, disclosed as CPU 23 (fig. 8, col. 7, lines 17-65). Hashimoto et al. fail to specifically disclose a sound effect output device that outputs a preset sound effect when the release switch is operated. However, Kawakami et al. teach that when the shutter release button 142 of the camera is activated, in order to clearly notify the recording operation to the operator, a tone generating device (sound effect output device) may be arranged so that a pseudo-shutter sound (sound effect) is produced when the recording operation on the magnetic disk 124 is initiated (col. 4, lines 29-49). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the camera in Hashimoto et al. by the teaching of Kawakami et al. in order to clearly notify the recording operation to the operator (col. 4, lines 44-49).

Regarding claim 2, Hashimoto et al. disclose a view finder as view finder 134 (fig. 1B, col. 4, line 17); an information output device, disclosed as red LED 112 (fig. 1A, col. 4, lines 1-3).

Regarding claim 3, Kawakami et al. disclose the preset sound effect is a shutter sound effect (pseudo-shutter sound, col. 4, lines 44-49).

Art Unit: 2712

Regarding claim 4, Hashimoto et al. disclose the storage medium stores the images and the sounds together (see abstract).

Regarding claims 10-13, Hashimoto et al. disclose the image can be played or presented at the same time as the audio are presented to a user (a sound playback device, see abstract). Hashimoto et al. do not disclose a sound removing device. However, this is not a patentable distinction. The use of a sound removing device is so notoriously well-known as a way to removing sound effect in the sound recorded in order to get the desired sound recorded together with the images.

Regarding claim 14, Hashimoto et al. disclose a display as a color LCD panel (col. 6, lines 61-64).

Regarding claim 15, Hashimoto et al. disclose an illumination device as flash 20 (fig. 1A, col. 3, line 56).

Regarding claim 16, all the limitations are contained in claim 1. Therefore, see Examiner's comments regarding claim 1, except the limitation indicating means, which is disclosed by Hashimoto et al. as shutter release button 124 (fig. 1A, col. 4, line 12).

Regarding claim 17, it is considered analogous to claim 2. Therefore, see Examiner's comments regarding claim 2.

Regarding claim 20-23, they are considered analogous to claims 10-13. Therefore, see Examiner's comments regarding claim 10-13.

Art Unit: 2712

Regarding claims 24-25 and 28-30, these claims are method claims of apparatus claims 16-17 and 20, 22-23, respectively. Therefore, claims 24-25 and 28-30 are rejected for the same reasons given respect to claims 16-17 and 20, 22-23.

4. Claims 5-9, 18-19, and 26-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hashimoto et al. (US 5,815,201) in view of Kawakami et al. (US 4,660,102) in view of Arai et al. (US 5,576,758).

Regarding claims 5-6, Hashimoto et al. and Kawakami et al. do not explicitly disclose a setting device that sets a photographic environment and the setting device is a compression device. However, Arai et al. teach a digital electric still camera in which the image data is compressed before being recorded and data compression rate is selectable by operating a picture mode button (see abstract). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the camera in Hashimoto et al. and Kawakami et al. by the teaching of Arai et al. in order to let the photographer can learn from the reproduced photographic scenes the optimum data compression rate for various scenes, and can select a suitable data compression rate during photographing (col. 2, lines 5-10).

Regarding claims 7 and 9, Kawakami et al. disclose sound effects as pseudo-shutter sound (col. 4, lines 44-49). Arai et al. disclose the compression rate (col. 3, lines 20-30). It is obvious that the frequency of the sound effect is changed based on the selected compression rate in order to be recorded sound associated with image data at different compression rate.

Art Unit: 2712

Regarding claim 8, Arai et al. disclose the setting device further sets an information input apparatus operating mode (col. 3, lines 10-47).

Regarding claims 18 and 26, each of these claims is considered analogous to claims 6 and 7. Therefore, see Examiner's comments regarding claim 6 and 7.

Regarding claims 19 and 27, each of these claims is considered analogous to claim 8. Therefore, see Examiner's comments regarding claim 8.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Art Unit: 2712

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Luong Nguyen** whose telephone number is **(703) 308-9297**. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Wendy Garber**, can be reach on **(703) 305-4929**.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:


(703) 308-6306

or:

(703) 308-6296

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal drive,
Arlington, VA., Sixth Floor (Receptionist).

LN
1/11/2001


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